



## **CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE**

**DATE/TIME: Monday, June 5, 2006 - 7:00 p.m.**

**LOCATION: Police Department Auditorium  
870 Santa Barbara Drive**

Roll Call

1. Minutes of May 22, 2006 (*draft minutes attached*)
2. Discussion of subcommittee comments on Draft Environmental Impact Report on General Plan 2006 Update (*attachment*)
3. Public Comments
4. Future Agenda Items
5. Adjournment

***NEXT MEETING DATE: July 17, 2006***

\*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **City Council**, then scroll to and click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2<sup>nd</sup> Floor.



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

### DRAFT MINUTES 05-22-06

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, May 22, 2006.**

#### Members Present:

X	Keith Curry, Council Member		Sandra Haskell - <i>excused</i>
X	Richard Nichols, Council Member	X	Barry Allen
X	Cris Trapp, Chairperson		Kristine Adams
X	Dolores Otting, Vice Chair		Marianne Zippi
X	Lloyd Ikerd		Tom Hyans – <i>Sick Leave</i>
X	Matt Wiley	X	Jack Wu
X	Christopher Welsh	X	Jennifer Winn
X	Mike Browning	X	Ray Halowski
X	Brent Cooper	X	Barbara Thibault
X	Laura Dietz	X	Merritt Van Sant
X	Kenneth Drellishak		
	Laura Curran		
X	Walter Lazicki		

#### Staff Representatives:

#### Guests Present:

X	Assistant City Manager Sharon Wood	

Chairperson Cris Trapp called the meeting to order at approximately 7:05 p.m.

1. Minutes of March 20, 2006

**Motion:** Kenneth Drellishak moved to approve the minutes as written.

Ray Halowski seconded the motion.

**Motion passed unanimously**

2. Discussion of subcommittee comments on Draft Environmental Impact Report on General Plan 2006 Update –

The Committee discussed draft comments and changes to the comments. This item was continued to the June 5<sup>th</sup> meeting.

3. Report from EQAC Representative to GPUC –

No report.

4. Report from EQAC Members on GPAC –

No report.

5. Economic Development Committee (EDC) Representative's Report –

Cris Trapp reported on a report given to the EDC from OC Cruiser.

6. Report from Staff on Current Projects –

Sharon Wood advised that the South Coast Shipyard DEIR and Our Lady Queen of Angels Mitigated Negative Declaration will be out for public review soon. Cris Trapp asked for volunteers for the South Coast Shipyard subcommittee. The following volunteered for the subcommittee:

- Christopher Welsh
- Dolores Otting
- Barry Allen
- Kenneth Drellishak
- Brent Cooper
- Jack Wu

7. Public Comments –

None

8. Future Agenda Items –

None discussed

9. Adjournment –

The meeting was adjourned at 10:12 p.m.

# MEMORANDUM

DRAFT

**To:** Gregg Ramirez, Senior Planner, City of Newport Beach

**From:** Environmental Quality Affairs Citizens Advisory Committee  
City of Newport Beach

**Subject:** **Draft Environmental Impact Report for the City of Newport Beach  
General Plan Update (the "Project")**

**Date:** ~~May 22~~ June 5, 2006

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Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the captioned Project. We offer the following comments in the hopes of improving the final Environmental Impact Report and this important Project for the City of Newport Beach ("City").

**A. Project Description:**

The Statement of Objectives defines an objective to "provide effective means to ensure compliance with Section 423 of the Charter". The Project description in the final EIR should define Section 423 of the Charter so that reviewers can determine whether that objective is being met. (Page 3-9)

The Updated General Plan Land Use Changes describes the existing land use categories and summarizes proposed land uses under the General Plan Update on Table 3-3. These changes were reportedly made in response to the Objectives referred to above which resulted from the extensive public outreach process and in accordance with CEQA requirements. However, another guiding document for General Planning has been published by California Air Resources Board and should be consulted as part of this EIR. "Air Quality and Land Use Handbook: A Community Health Perspective," published in 2005, contains valuable guidelines for making land use decisions which minimize the effects of air pollution on the affected community. (Page 3-10)

Table 3-3 shows a planned increase of 1188 dwelling units and 430 hotel rooms on the Balboa Peninsula without any significant traffic impacts (Also see Table 3-4). This seems wrong based on the experience of those who travel regularly on the peninsula. The final EIR should clearly discuss whether a formal traffic study prepared for this area reflecting the residential/hotel room growth as well as the theaters, nautical museum and other growth at Balboa Village. The final EIR should fully discuss the findings of such a study. (Page 3-13)

**B. Environmental Checklist and Discussion:**

**I. Aesthetics and Visual Quality**

Section 4.1 analyzes the impacts of the proposed General Plan Update on the aesthetic character of the City. The first threshold question to be addressed is whether the proposed Project would have a substantial adverse effect on a scenic vista. As the DEIR points out, there are numerous scenic vistas in the City due to the topography within the City and the natural features in and around the City, including the ocean and the bay, as well as nearby and distant mountain ranges.

The DEIR goes on to say that the proposed General Plan Update would protect the scenic vistas in the City; however, it states that there are no "officially designated scenic vistas in the City." The final EIR should define "official designation" with respect to scenic vistas in the City and discuss what, if anything, an official designation would add to the protection of the scenic vistas beyond the policies included in the proposed General Plan Update. ~~The final EIR should also address the City's reasons for not adopting such an official designation.~~

The second threshold question that is addressed in the Aesthetics and Visual Quality Section is whether the proposed Project would substantially damage scenic resources, including trees, rock outcroppings and historic buildings within a State scenic highway. The DEIR states that "there are currently no officially designated scenic highways within the City of Newport Beach," and the reason for that is because the City has not applied to Caltrans for scenic highway approval.

The final EIR should explain the implications of a highway being designated as a scenic corridor, including the effects such a designation would have on future development within the City of Newport Beach.

Another threshold question is whether the proposed Project would create a new source of substantial light and glare that would adversely affect day or nighttime views. The DEIR states that if Banning Ranch is not acquired for open space and development occurs in that area, there will be significant and unavoidable light and glare impacts due to nighttime lighting. The final EIR should discuss why, even with sensitive siting of uses and structures, these impacts would not or could not be mitigated to a level less than significant.

As a point of correction, Figure 4.1-3 should be revised to include MacArthur Boulevard from San Joaquin Hills Road to south of San Miguel as a Coastal View Road Coast Highway.

## II. Air Quality

Table 4.2-1 (Page 4.2-6) provides a summary of ambient air quality as measured at the South Coast Air Quality Management District ("SCAQMD") monitoring station in Costa Mesa from 2001-2003 and lists the relevant Air Quality Standards for Ozone, CO, NO<sub>2</sub> and SO<sub>2</sub>. However, the text describing Table 4.2-1 notes that "the largest contributor to inhalation cancer risk is small diameter particulate matter produced by diesel engines."

The DEIR also describes atmospheric lead (Pb) particulates as a health concern. Both of these health hazards (i.e. lead (Pb) and respirable particulate matter (PM<sub>2.5</sub>/PM<sub>10</sub>)) should be included in SCAQMD monitoring station results in the final EIR. Since these are airborne contaminants, which are sure to increase in our elevated traffic and construction intensive areas (due to heavy use of diesel equipment), the final EIR should explain how the City can be assured that we are properly accounting for the health hazards associated with them.

———Volume II of the DEIR contains Appendix B, related to Air Quality, which requires attention. Near the end of Appendix A, there is a letter from Steve Smith, Ph.D. of SCAQMD. Among other comments, Dr. Smith recommends that, when significant traffic increases are planned, lead agencies (the City of Newport Beach in this case) should perform a localized significance analysis using localized significance thresholds (LST's) developed by SCAQMD. It is not clear whether this recommendation has been followed in this DEIR. The final EIR should clearly state that a localized significance analysis has been performed and provide the results of the analysis.

Dr. Smith also recommends that "projects generating or attracting vehicular trips, especially heavy-duty diesel vehicles, perform a mobile source health risk assessment" in accordance with California Environmental Quality Act ("CEQA") Guidelines published on the CEQA website. The final EIR should include a mobile source health risk assessment and provide the results of the analysis.

Appendix B contains Air Quality Data based on computer analysis from a modeling program titled "URBEMIS 2002 for Windows 8.7.0." Although Pb and PM<sub>2.5</sub> have been previously noted as potential health hazards, they are not included in the modeling. The final EIR should identify how the proposed Project would deal with these hazards, and identify other possible analysis tools that could be utilized.

In this same Appendix B, the URBEMIS modeling results are potentially confusing and contradictory. Compare the results from Appendix B, sheet #1 (marked page: 1, 3/8/2006, 2:36 pm) and sheet #5 (also marked page: 1, 3/2/2006, 2:37 pm). The titles on these pages are identical regarding on-road motor vehicle emissions summarized in pounds/day for summer. The final EIR should explain the difference, for example, in ROG from 2937.54 lbs/day to 359.52 lbs/day, and state how the City can assure that the correct numbers are used in subsequent analyses. Also, ROG is not defined. Is this

related to the volatile organic compounds ("VOC's") defined on page 4.2-2 of the DEIR? If so, the final EIR should fully explain. If not, the analysis of VOC's should be included in the final EIR.?

Under Construction Emission Thresholds (Page 4.2-10), the DEIR identifies a threshold of 150 lbs/day of PM<sub>10</sub>, but says nothing about PM<sub>2.5</sub> (another potentially dangerous respirable particulate pollutant). The final EIR should identify if/clarify whether this is a potential problem in pollution enforcement and identify the thresholds for this component.

~~The discussion of Project Impacts, Mitigation Measures and Proposed Policies (Section 4.2.5, Page 4.2-11) is not clear concerning what mitigation measures are proposed for this Project. Maybe it is semantics, but are we to understand that mitigation measures for this project are limited to the Air Quality and Land Use Goals listed on pages 4.2-19 to 4.2-23? If this is so, why not call them mitigation measures? More importantly, the DEIR clearly admits (Page 4.2-24) that this Project will lead to "significant and unavoidable" impacts by failing to meet the SCAQMD AQMP, construction emission goals and air pollution goals for continuing operations!~~

~~Does this not call for more effort to be placed on finding new/better/different mitigation measures? It seems too easy to blandly state that "no additional mitigation is feasible". Why not get more aggressive and show some leadership in application of clean/renewable energy requirements on stationary sources, use of bio-diesel on construction/trucking equipment, installation of low emission automotive refueling sites, etc. The City of Newport Beach, as Project proponent, could make it much easier to implement improved mitigation measures on future projects by providing infrastructure under this Project to lead and facilitate major future improvements. The authors of this DEIR have given up on meeting or improving air quality conditions in our community when they should be considering this Project as the vehicle to lead us ahead for the next 20 years! Air Quality Policy NR 6.8 (Page 4.2-20) is a good example. Soft language about "supporting alternative full infrastructure..." should be made stronger by imposing requirements. If this is not done now by the City looking forward for the next 20 years, how else will it get done? Table 2-2, identifies five Air Quality Impacts and states that three of these (Impacts 4.2-1, -2 and -3) are Potentially Significant with no feasible mitigation measures available. This leaves three of the five Air Quality Impacts with Significant Unavoidable impacts due to these projects. (Page 2-7)~~

However, discussion of Impact 4.2-1 on page 4.2-12 states that this project would "obstruct implementation of the Air Quality Management Plan because the Updated General Plan leads to a total Newport Beach population of 103,753 persons which is approximately 10% over the SCAG-projected population for this area." Since the City has the option to plan for any population level, it seems reasonable to plan for the SCAG-projected population in an effort to comply with thresholds implicit in Impact 4.2-1.

The discussion of Impact 4.2-2 regarding construction emissions states that, despite implementation of policies NR 8.1 through NR 8.5, we expect that construction emissions resulting from this project will lead to significant and unavoidable consequences. The final EIR should analyze whether the City's policies related to construction emission should be strengthened to make them more effective. (Pages. 4.2-13, 14, 15)

The discussion of Impact 4.2-3 regarding cumulative increases in non-attainment air pollutants is very encouraging and shows that the proposed policies should be effective in achieving 2003 AQMP performance standards and emission reduction targets. It appears reasonable to for the final EIR to state that rigorous enforcement of these policies will lead to a less than significant impact. (Pages 4.2-14, 15)

The DEIR is basically silent on the issue of air pollution control of emissions from the large number of watercraft that navigate Newport Bay. The final EIR should fully address this issue. For example, an item on "reduced levels of air pollution" could be added to Policy HB 4.3 on page 4.1-39.

Also, in the spirit of trying to be as responsive as possible, the final EIR should change Policy N 7.4, Use of Blowers (Page 4.2-20), to read that the City will eliminate the use of blowers by the City by 2010 (for example) and require the same on private property.

### **III. Biological Resources:**

The second sentence under "Watersheds" appears to conflict with the final sentence and should therefore be deleted. The watersheds are not discussed in detail in this chapter. (Page 4.3-3)

The location of giant kelp beds in Figure 4.3-1 is almost impossible to read. Surely it is not in the State highways shown in red. It is suggested that an arrow and label be added to the diagram. Additionally, the legend shows "county boundary in green," but the green area is simply everything outside of Newport Beach. In order to fulfill the informational function of CEQA, this diagram needs to be clarified.

Under Impact 4.3-2, the fourth sentence does not logically follow its predecessors. The first part of the discussion states that the proposed Project would allow infill development and would concentrate new development in certain specified subareas. It goes on to state that the proposed Project priority for Banning Ranch is open space, "the Plan also considers the possible development of a mixed-density residential village with a small component of resident- and visitor-serving commercial ..." Then it states that "(t)his would preclude most sites containing riparian habitats from being developed under the proposed General Plan Update." *What* would preclude development of riparian sites?

This may belong at the end of the paragraph discussing regulation. The discussion should be clarified or the sentence should be removed. (Page 4.3-24)

There is a typographical error in the paragraph entitled Proposed General Plan Update Policies. The second and third sentences are duplicates. (Page 4.3-30)

~~Policy NR10.7 is unclear. It should be specified how the "sufficient size" of the required buffer is to be determined. (Page 4.3-31)~~

The use of the word "important" in Policy NR10.10 provides a loophole for a potential developer of the Banning Ranch to avoid habitat replacement if it is not "important." In order to support the conclusion of less than significant impact on biological resources, the word "important" should be deleted and replacement of *any* habitat should be required. (Page 4.3-32)

~~It is suggested~~The DEIR suggests that the official source of the Southern California Eelgrass Mitigation Policy be stated. ~~We were unable to find this detail~~This detail does not appear to be in the text. In order to fulfill the informational purpose of CEQA the origin of this policy should be noted. (Page 4.3-32)

#### IV. Cultural Resources

~~There is an endorsement of the current level of charter boat activity on the Bay. This effectively approves this level of service without a CEQA review.~~

The DEIR states that "(t)he City's Historic Resource Inventory includes 61 properties which while not officially adopted, serves as a useful guide to potentially historic properties...." The final EIR should clarify the City's criteria for selecting potentially historic properties. ( Page 4.4-14)

#### V. Geology, Soils and Mineral Resources

The section of the document is difficult to measure. It relies heavily on citing documents that are not included; i.e., "all activities within the City would be required to comply with standards, which will ensure implementation of appropriate ...etc." **ASK Sandie FOR CITE** Short of finding all of those documents and reviewing them, one must assume that future building will comply with all safety and earthquake standards, and that the soil beneath them, subject to geological studies, will also be in compliance. **LOOK ON P. 4.5-10**

In describing the coastal platform occupied by Corona del Mar, and the area of Newport Coast, no mention is made of the sediment flows or major drainage courses found in these areas. These areas should be identified in these opening descriptions in the final EIR, since they are referred to in later sections. (Page 4.5-1)

~~The subsection on regional and local faults describes the earthquake faults and damage that will result if a high magnitude quake occurs. Again, the document refers to all the building codes applicable to building in a high risk quake area. As most restrictions apply to new construction, should remodeling projects be required to undergo extensive geologic examinations? If we have a high magnitude quake, all the building regulations in the country will not be of much use. A comprehensive emergency notification and response program would be vital, but that is not discussed in this section. (Page 4.5-3)~~

The subsection on regulatory framework sites Uniform Building Code, California Building Code, Seismic Hazards Mapping Act, National Pollution Discharge Elimination System ("NPDES") (general construction activity stormwater permit). However, there is no discussion of the Clean Water Act that would limit the AMOUNT of runoff or limit the percentage if increase a project generates on the AMOUNT of runoff. Construction here and in surrounding cities increases the effects runoff has on all the concerns addressed in this section of geology and soils and other sections. The final EIR should address this issue.

The discussion of the Thresholds of Significance states that the "(i)mplementation of the proposed General Plan Update could result in substantial soil erosion and the loss of topsoil." The final EIR should identify the standards that would be used to determine if a project results in significant impacts with respect to soil erosion and the loss of topsoil. (Page 4.5-15)

~~The first threshold question in this section asks whether the proposed Project "have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water." The discussion goes on to state that the City is almost entirely built out with established utility services, and new development would not require the use of septic tanks. Therefore, this potential impact is not analyzed in the DEIR.~~

~~The DEIR does not address the fact that septic systems are not the only alternative disposal system; storm runoff, industrial waste water, etc. are not considered in the analysis. The final EIR should address soil conditions in regard to supporting other waste water issues, such as storm runoff, industrial waste water disposal, etc.~~

## **VI. Hazards and Hazardous Materials**

With each and every item in the Hazards and Hazardous Materials section, the DEIR refers to regulations and the proposed policies as the factors that render each and every item LESS THAN SIGNIFICANT.

EXAMPLE: Future development could "uncover previously undiscovered soil contamination as well as result in the release of potential contaminants that may be present in building materials (e.g. mold, lead, etc.). This could result in a significant

impact." See p. (Page 4.6-19). The DEIR cites "compliance with existing regulations" and with proposed GPU General Plan Update policies as factors that would "reduce impacts to less than significant."

The DEIR states it has been prepared as a "Program EIR" pursuant to CEQA guidelines and lists one advantage as allowing "the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts."

Accordingly, and in light of the DEIR's reliance on regulations and proposed policies as the factors that reduce any and all potential impacts to "less than significant," it appears necessary to include in the final EIR (1) a further discussion of the means of enforcement and the agencies/departments of enforcement of the City's proposed policies, (2) the timelines and response times for enforcement of each regulation and policy, and (3) the implementation of a General Plan Update-wide policy that sets forth a checklist to be used in each and every ~~Specific~~ specific Project-project EIR, for routinized tracking and application of the regulatory obligations and enforcement timelines/response-times (both for the applicants and the enforcement agencies) as they relate to all projects implicating hazards and hazardous waste impacts/risks. Most importantly, all impacts—whether potential or definite—should be analyzed in light of the response, clean up, and remediation times attendant to the regulations/policies and enforcement cited by the City as the factors that render all impacts less than significant.

~~The DEIR states on page 4.6-30 that the cumulative impacts were "taken into account" in the discussions and analyses. However, every impact discussion admits that nothing was based on specific development projects. Thus, any cumulative impact analysis in this DEIR is an analysis of the cumulative total of vague, undefined, non-quantified impacts.~~

Impact 4.6-1 states that implementation of the proposed General Plan Update could result in an increase in commercial development that could increase the overall routine transport, use, storage, and disposal of hazardous materials within the City. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. Each and every one of the "commercial development" projects under the proposed General Plan Update should be specifically evaluated for increases in the transport, use, storage, and disposal of hazardous materials at the time each commercial development is implemented, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, the potential increase in hazardous materials impacts created by each and every discrete development under the proposed General Plan Update,~~

~~irrespective of the scale, should be evaluated in conjunction with the potential or actual increase in hazardous materials impacts arising from all other discrete commercial development projects under the proposed General Plan Update. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks as each development is implemented under the proposed General Plan Update, which should in turn serve as the threshold data for all specific project EIR analyses.~~

Impact 4.6-2 states that construction activities associated with implementation of the proposed General Plan Update could result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote, undefined, and is limited to "upset and accident" conditions. Each and every one of the "construction activities associated with implementation of the proposed General Plan Update" should be specifically evaluated as they become more defined, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, the potential "release of hazardous materials to the environment" as caused by construction activities should be evaluated at certain stages/phases of the construction activities under the proposed General Plan Update. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks as each project is implemented under the proposed General Plan Update, which should in turn serve as the threshold data for all specific project EIR analyses.~~

Impact 4.6-3 states that operation of future land uses that could be developed under the proposed Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote, undefined, and is limited to "upset and accident" conditions. Each and every one of the "operation of future land uses that could be developed" under the proposed General Plan Update should be specifically evaluated at the time each future land use is developed, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, the "significant hazard to the public or the environment" caused through reasonably foreseeable upset and accident conditions related to each operation of future land use developed under the proposed General Plan Update, irrespective of the scale, should be evaluated in conjunction with the potential~~

~~“significant hazard to the public or the environment” caused through reasonably foreseeable upset and accident conditions related to every other operation of future land use developed under the proposed General Plan Update. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks as each future land use is developed under this General Plan Update, which should in turn serve as the threshold data for all specific project EIR analyses.~~

Impact 4.6-4 states that implementation of the Proposed General Plan Update could result in a safety hazard as a result of existing oil wells or methane gas areas within the City. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. Each and every one of the projects under the proposed General Plan Update that implicate safety hazards arising from existing oil wells or methane gas areas should be specifically evaluated at the time each project is implemented, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, all “safety hazards” relating to existing oil wells and methane gas areas that are implicated by the General Plan Update projects, irrespective of the scale, should be evaluated in conjunction with all “safety hazards” relating to existing oil wells and methane gas areas that are implicated by every other General Plan Update project. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks as each existing oil well and methane gas areas are affected by the GPU implementation, which should in turn serve as the threshold data for all specific project EIR analyses.~~

Impact 4.6-5 states that implementation of the proposed General Plan Update could emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. Each and every one of the projects under this General Plan Update that implicate safety hazards, hazardous emissions, and the handling of acutely hazardous materials by a school should be specifically evaluated at the time each project is implemented, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, the impacts of all emissions and handling of hazardous material near schools relating to each project under this General Plan Update, irrespective of the scale, should be evaluated in conjunction with the impacts of all emissions and handling of hazardous material near schools relating to every other project implemented under this~~

~~GPU. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks of the emissions and handling of hazardous material near schools as every project is implemented under this General Plan Update, which should in turn serve as the threshold data for all specific project EIR analyses.~~

~~Note: The DEIR identifies only the following concerns relating to hazards and hazardous materials that were expressed in EQAC's comments to the NOP:~~

~~"The Environmental Quality Affairs Citizens Advisory Committee for the City of Newport Beach requested that the DEIR address potential impacts caused by the siting of school facilities or residential developments on hazardous materials sites, as well as the possible mitigation of these impacts."~~

Impact 4.6-6 states that the proposed General Plan Update includes sites, which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment. - NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. Each and every one of the "significant hazards to the public or the environment" associated with projects involving or affecting hazardous materials sites should be specifically evaluated as they become more defined, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, every project under this proposed General Plan Update that implicates potential "significant hazards to the public or the environment" because they involve or affect hazardous materials sites should be evaluated in conjunction with all other projects under this proposed General Plan Update that implicate potential "significant hazards to the public or the environment" because they involve or affect hazardous materials sites. In addition to Specific Project EIRs, there should be a system with which to track the cumulative risks as each project is implemented under this proposed General Plan Update, which should in turn serve as the threshold data for all specific project EIR analyses.~~

Impact 4.6-7 states that implementation of the proposed General Plan Update could result in a safety hazard for people residing or working in the Planning Area as a result of the proximity of a public airport. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. The quantification and assessment of the "safety hazard(s) for people residing or working in the Planning Area as a result of the proximity of a public airport" should be specifically evaluated as they become more~~

~~defined, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

~~Most importantly, every project under the proposed General Plan Update that implicates potential safety hazard(s) for people residing or working in the Planning Area as a result of the proximity of a public airport should be evaluated in conjunction with all other projects under the proposed General Plan Update that implicate the same. In addition to the City Emergency Management Plan, there should be a system with which to track the cumulative risks as each project is implemented under the proposed General Plan Update, which should in turn serve as the threshold data for all emergency-management analyses and aviation hazard risks.~~

Impact 4.6-8 states that implementation of the proposed General Plan Update could result in interference with an adopted emergency response plan or emergency evacuation plan. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This potential impact is remote and undefined. Each and every measurable interference with emergency response times as a result in increased/congested traffic conditions created by City growth as it relates to the proposed General Plan Update should be specifically evaluated as it becomes more defined, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis. Most importantly, every project under the proposed General Plan Update that implicates interference with emergency response times should be evaluated in conjunction with all other projects under the proposed General Plan Update that implicate the same. In addition to the City Emergency Management Plan, there should be a system in which to track the cumulative risks as each project is implemented under the proposed General Plan Update, which should in turn serve as the threshold data for all emergency-management analyses.~~

Impact 4.6-9 states that implementation of the proposed General Plan Update could result in development in urbanized areas adjacent to or intermixed with wildlands. NO MITIGATION IS REQUIRED. LESS THAN SIGNIFICANT.

~~This These potential impacts is are remote and undefined. Each and every project under the proposed General Plan Update that leads to increased residential and commercial development, which in turn increase the threat of fire hazards due to the location of development and living, should be specifically evaluated as it becomes more defined, rather than allowing this DEIR and related conclusions to function and serve as the conclusive evaluation of environmental impacts. Which is to say, any evaluation of this item is premature because there is not enough information on which to base or render any substantive analysis.~~

Most importantly, every project under the proposed General Plan Update that implicates increased fire hazards in the wildlands should be evaluated in conjunction with all other projects under the proposed General Plan Update that implicate the same hazards. In addition to the City Emergency Management Plan and Specific Project EIRs, there should be a system with which to track the cumulative risks impacts as each project is implemented under the proposed General Plan Update, which should in turn serve as the threshold data for all specific-project EIR analyses.

Note: The DEIR identifies only the following concerns relating to hazards and hazardous materials that were expressed in EQAC's comments to the NOP:

"The Environmental Quality Affairs Citizens Advisory Committee for the City of Newport Beach requested that the DEIR address potential impacts caused by the siting of school facilities or residential developments on hazardous materials sites, as well as the possible mitigation of these impacts."

## **VII. Hydrology and Water Quality**

~~This section~~Section 4.7 analyzes the impacts of the proposed Project on hydrology and water quality within the City of Newport Beach.

Three types of upgrades are proposed for the City's storm drain system at a total estimated cost of \$18.5 million. The final EIR should detail the mechanisms that will be put into place to ensure that these upgrades will be carried out despite potential budget issues and any changes in City personnel.

All cumulative impacts for Water Quality, Groundwater, Storm Drainage and Flood Hazards are rated as "less than significant" because each project within each area will meet City, County and State Regulations and Codes. Again, upgrades to existing facilities or the construction of new facilities would be required to meet the "less than significant" standard. The final EIR should detail the mechanisms that will be put into place to ensure that these upgrades will be carried out despite potential budget issues

## **VIII. Land Use and Planning**

The proposed General Plan Update will be the blueprint for future development within the City of Newport Beach for the next twenty years, and Section 4.8 analyzes the impacts of the proposed General Plan Update on the future land use and planning within the City that will guide that development.

The first threshold question asks whether the proposed development within any Planning Area would create incompatibilities with adjacent land uses. The DEIR states that the potential for conflict exists most where mixed use development occurs. The proposed General Plan Update would add mixed use in some planning areas, such as

Mariners' Mile, West Newport Mesa, Balboa Peninsula, Banning Ranch (if it is not acquired for open space) and Newport Center, and would introduce mixed use in other areas, including the Airport Area. Proposed Land Use Policies are cited as reasons why intensification of land use will not result in an incompatibility.

Overall, the policies encourage but do not mandate property owners to comply with the policies. In the absence of any incentive programs or mandatory requirements, the EIR may not actually mitigate land use incompatibilities to a less than significant level.

The DEIR Policy LU 5.2.2 "Buffering Residential Areas" suggests the use of landscape screening to accomplish buffers to residential areas. No mention is made of the potential to use specialized Mixed Use structures to transition from commercial to residential. Examples of this would be single family type structures with a commercial use such as a bookkeeper or architect on the commercial side, and the proprietor's residence being located on the residential side.

The DEIR lists Policy LU 5.3.1 of the General Plan Update, which "provides guidance that would minimize conflicts among uses in mixed use facilities," and lists such items as design, building materials, building elevations, design of parking areas, and landscape to minimize conflicts. These items are physical measures to minimize conflicts. The policy does not include operational measures or discretionary review procedures to provide the means to fully evaluate the range of mixed uses that would occupy the same site. The final EIR should discuss additional methods to reduce conflicts so that incompatible mixed uses proposed on the same site are modified or prohibited.

In the West Newport Mesa Area, Policy LU 6.6.5 is intended to increase compatibility between residential and industrial uses through master plans for the new residential areas. However, this policy does not address problems generated by industrial uses that do not respect master plan boundaries, such as diminished air quality, odors, noises and the attractive nuisance that industrial sites become when resident children are introduced into the area.

~~The introduction of residential use in the Airport Area presents the greatest challenge with respect to the avoidance of incompatibilities. The DEIR states that residential development in the Airport Area has historically been restricted due to the fact that much of the "southwestern portion of the area is located within the 65 dBA CNEL, which is unsuitable for residential and other "noise sensitive" uses. However, the DEIR states that the City Council could make a finding of overriding considerations and allow residential development within the 65 dBA CNEL. The DEIR goes on to state "if residential development is constructed within the 65 dBA CNEL noise contour, land use conflicts could occur. Impacts would be significant."~~

~~The final EIR should revisit the quality of life that would be faced by residents living within the boundaries of the "noise sensitive" area and discuss the reasons why the City Council would consider making such a finding in the Airport Area and identify and fully analyze the impacts if such a finding were made.~~

~~Section 4.8.2 Existing Conditions/Residential Neighborhoods. The commentary on the existing land use at Lido Peninsula within Section 4.8.2 (Existing Conditions/Residential Neighborhoods) incorrectly identifies the land use as single family attached (it is manufactured housing) and fails to identify Lido Peninsula as manufactured housing in the list of manufactured and/or mobile home uses within the City.~~

~~In Section 4.8.2 (Other Land Use Changes), the DEIR identifies two parcels to be rezoned to multi-family residential; in both cases, the reason given is consistency with adjacent uses. Since the existing uses (childcare, church & senior housing) do not appear to be in conflict with a residential area, the change seems to eliminate needed ancillary uses without reason. This is counter also to Policy LU 6.2.5, which seeks to allow for complementary uses.~~

~~The DEIR lists policy goals that relate to architectural design guidelines for future development; particularly with respect to residential development. It appears that the proposed General Plan Update would essentially be creating a discretionary architectural review process. The final EIR should address this issue, and provide the rationale for this process.~~

## **IX. Noise**

~~Figures 4.9 2, 4, 5, and 7 show the airport as being gray on the Legend, yet that area is not included on these figures. It would be helpful if it could be removed. The figures should be revised in the final EIR to delete that reference.~~

~~There is an endorsement of the current level of charter boat activity on the Bay. This effectively approves this level of service without a CEQA review. PAGE 4.1-39:~~

~~Paragraph 4.9-4 contains a statement that construction noise would be considered "less than significant" even though exempt from City Code. Construction noise should be further analyzed in the final EIR, with it seems like further supporting discussion data based on numerical noise levels would be in order.~~

~~Pages 4.9-36 and 37 refer to Tables N2, N3; however, these tables do not appear to be in the document.~~

## **X. Population and Housing**

The housing/population section of the DEIR reflects EQAC's request for an analysis of the buildouts proposed as measured by both the number of dwelling units proposed and related population increases. Using the figure of 2.19 persons per unit (2005) for projection purposes, the DEIR numbers are condensed as follows:

	<u>Dwelling</u>	<u>Population</u>
GP Existing	9549	20,912
GP Proposed	14,215	31,131

The population numbers on page 4.10.2 however, do not provide a breakdown under either scenario as to the demographics (ages) of the population. The final EIR should provide this information, which would provide the City with an additional planning tool with respect to where growth is more likely to occur. Different age groups need different housing options. For example, high rises for seniors that also meet affordable housing quotas are more likely over time to reduce the 2.19 figure per unit.

The paragraph entitled "Vacancy Rates" indicates that the City currently has a vacancy rate of 10.9%, substantially higher than that of the county at 3.7%. This intuitively seems incorrect and the use of 10.9% is likely under-representing the actual population levels. (Page 4.10-3)

In the third paragraph on page 4.10-5, this percentage is used to indicate that all allowed units would likely only be filled to the level of 89.1%, thereby justifying a higher number of units.

This vacancy rate should be verified in the final EIR. It is likely being under-represented because of the protocol by which vacancy is being measured.

## **XI. Public Services**

### **(a) Fire Protection**

The DEIR states that the proposed Project is not found to have significant impacts on fire protection. However, this statement appears to contradict the remainder of the text in this subsection. Throughout the subsection, the need for new services is directly related to population growth, yet the DEIR states that the ".....NBFD does not use population projections to determine projected future needs." (Page 4.11-7)

The DEIR further states that: "(I)n the Airport Area, an increase in density by both infill and conversion of low rise properties to mid and high rise will necessitate the addition of a ladder truck company to the Santa Ana Heights Fire station." and "The DEIR also states that "(U)nder build out of the proposed General Plan Update, 4300 multi-family units would be constructed in this area. As a result of this development, demand for 24 hour residential medical service could increase." (Page 4.11-8 and 9)

“Thus, fire staffing and facilities would be expanded **commensurately to serve the needs of new development** to maintain the current response time.” (Page 4.11-10)

The DEIR goes on to state that the “**demand created by residents** at the Irvine Business Complex would adversely affect fire demand in the Planning Area such that new facilities would be required, and thus the cumulative impact would less than significant.”

In addition, the DEIR states that the City of Costa Mesa is anticipating an increased need for their services as a result of build out. “Given the large number of firefighters that are required to respond to high risk, high consequence fire, fire departments increasingly rely on automatic and **mutual aid agreements** to address the fire suppression needs of the DEIR community.” (Page 4.11-7)

The final EIR should fully analyze the impacts noted above, as well as the potential addition of 31,131 residents as projected in the proposed Project. In addition, the final EIR should indicate where additional fire stations would be located and list the criteria that would be used to site additional stations.

~~The DEIR states that the three paramedic ambulances responded to 2,011 calls each, for a total of 6,033 calls, or 652 more calls than the 5,381 calls stated above, which looks to be accounted for by the 653 calls listed outside the city limits.~~

By adding 31,000 people at build out, our ability to respond inside the City will be stretched, which will necessitate reducing our ability to respond outside the City. The final EIR should analyze the impact that this will have on the City's Mutual Aid Agreements with the surrounding cities.

The DEIR states that “(t)he Insurance Service Office recommends that a second company be put in service in a fire station if that station receives more than 2,500 (medical emergency) calls per year.” At the current rate of 2,011 calls per ambulance, the City is perilously close to that level already. As the population increases, the City will quickly reach the level where another station is needed, since most of the City's stations cannot accommodate another company. This will have extensive environmental effects. The final EIR should fully analyze this situation and propose any necessary mitigation measures. (Page 4.11.5)

Further, the DEIR goes on to state that “(i)f an engine company provides support to the paramedic ambulance by responding to medical aid calls and this impacts the station's response to structure fire calls, it ... can result in a company being unavailable to respond to a structure fire ... it can result in a larger fire before assistance arrives.” This

would be especially applicable to fires within the Newport Coast area, which is built over a large area and surrounded by natural vegetation that has already proved to be a fire hazard. The final EIR should fully analyze this situation and propose any necessary mitigation measures.

The DEIR discusses the problems associated with structural fires in the older portions of the City, which are especially susceptible to this hazard; ~~a~~—Areas such as Balboa Peninsula, Balboa Island and Corona del Mar. The density of construction and the narrow streets in these areas can affect emergency access. Although the DEIR recognizes these problems, it offers nothing in the way of providing additional fire protection for the thousands of new residents projected for these areas. The final EIR should fully analyze this situation and propose any necessary mitigation measures.

There is a likely typographical error on page 4.11.1, last paragraph, third line. The sentence now reads: "Most of the Banning Ranch is not served....." and it should read "Most of the Banning Ranch is **now** served....."

(b) Police Protection

There appears to be an error in the number of calls that are received by the Dispatch Center. In one instance the DEIR states that there is an average of 24,000 calls received by the Police Dispatch Center and in the next paragraph, the DEIR states that the Dispatch Center receives 200,000 calls a year. This information should be corrected in the final EIR because it will determine the accurate impact of the proposed Project on the police protection services.

The following environmentally related issues are not addressed in the DEIR: preparation for environmentally oriented acts of terrorism, such as hazardous waste, water contamination, air pollution; catastrophic events arising from accident or terrorism attacks at John Wayne Airport and a subsequent air crash in areas under the flight path; tsunamis; the lack of an easily accessible and area wide alert system for residents. These issues should be fully discussed in the proposed General Plan Update and should be analyzed in the final EIR.

(c) Schools

The DEIR states that with the total increase of approximately 6,230 students within the City (after buildout of the General Plan), it is assumed that approximately 4,347 students could attend schools within the Newport Mesa Unified School District ("NMUSD"), which could potentially **exceed the capacity** of the District." However, the DEIR goes on to state that "adherence to the policies contained in the proposed General Plan Update, would ensure that impacts related to the provision of new educational facilities is less than significant." (Page. 4.11-24)

These two statements appear to be contradictory. The final EIR should clarify this inconsistency, fully analyze the impacts to the schools at full buildout of the proposed General Plan Update and recommend any necessary mitigation measures.

## **XII. Recreation and Open Space**

Policy R9.5 (regarding private communities) is unclear. ~~Is the~~ The final EIR should clarify whether the policy is suggesting-recommending that coastal access be protected for the residents of these communities, or does the policy intend that private developments not be allowed to inhibit coastal access for non-residents? The policy should be clarified in the final EIR. (Page 4.12-24)

## **XIII. Transportation/Traffic**

The discussions of traffic in Corona Del Mar do not show what happened to all the traffic on Coast Highway between Marguerite and Poppy in both A.M. ~~& and~~ P.M. The numbers do not add up when the cars on Marguerite, Poppy and Coast Highway are calculated to get to the ICU of 0.99, 0.69, 0.83, 0.82, and 0.61 and 0.65. There is a discrepancy with Marguerite at .83 and .82 and Poppy at .61 and .65 for A.M. ~~& and~~ P.M. (Page 4.13-11)

The DEIR discusses some "suggested" ideas for parking. In addition, it discusses some programs but does not identify any "problems" that may be made worse than they already are if the additional square footage is allowed for development of homes and businesses. The final EIR should discuss specific proposals for parking. (Page 4.13-17)

The Congestion Management Plan ("CMP") does not explain what the information gathered is used for, nor does it identify any projects that meet the requirement for a Traffic Impact Analyzes ("TIA"). ~~It~~ The CMP just simply lists four streets that are subject to the CMP, but it doesn't indicate how this is utilized in or for the proposed General Plan Update. The final EIR should make it clear that the CMP is included for background and is not being considered by the City to become part of the General Plan Update. Here and on page 4.13-22 it also indicates that this study "guidelines" is to maintain an LOS of "E". The decision-makers should be made aware of this as it seems to conflict with LOS "D" in other areas of this study. (Page 4.13-19)

~~The Transportation Demand Management requirements appear to be new requirements that have been set forth by SCAQMD. The DEIR does not state if these requirements have been developed for any recent project within the City. We recommend that an example of this type of plan be incorporated in the final EIR as an example to the decision-makers of what types of solutions/conditions have been imposed on a project. We believe that the enforcement method for such plans should also be provided in the final EIR. The decision-makers may want to know whether this particular type of plan should be required for projects of the size discussed herein.~~ (Page 4.13-21)

The Thresholds of Significance outlines some CEQA guidelines on "adverse impacts." Because of the Newport Beach Traffic Phasing Ordinance ("TPO"), the final EIR should analyze the "adverse impacts" from traffic not only as CEQA requires, but also as the TPO requires. (Page 4.13-21)

The DEIR states that "LOS (level of service) D is the threshold for intersection performance" in the City of Newport Beach. Considering the adverse effects of LOS "D," the policy makers and decision-makers may want to know what would be required to bring this "threshold" to some better or more comfortable driving LOS, for example LOS "C." The final EIR should include such an analysis. (Page 4.13-21 and 22)

It is unclear whether items are or are not considered that have not been built and may never be built are included in the statistics developed by the model. It is also unclear whether actual existing traffic is considered in the model. It appears as if certain traffic that exists is not considered. (SHOULDER SYSTEM - We don't consider and omit heavy traffic use in summer and instead use spring and fall traffic counts discussed in multiple locations, but by example see General Plan Public Draft - Chapter 7 - Circulation Element - page 7-3 continued on page 7-4 and Appendix D to DEIR - paragraph 2.7 at page 2-25 and DEIR - Chapter 4 - Daily Traffic Volumes - page 4.13-24.) This should be made much clearer in the final EIR so the decision-makers are not confused as to what is and what is not included so that they can make decisions on the value or lack thereof of this model's estimates or predictions. (Page 4.13-23)

Project Impacts, page 4.13-25, states under Impact 4.13-1 indicates that "implementation of the proposed General Plan Update could result in a substantial increase in the number of vehicle trips, volume to capacity ratio on roads, or congestion at intersections compared to existing conditions." Following this statement, the DEIR states that the alternatives analyzed using the roadway system incorporate the "constrained roadway network" explained in Section 4.13.5. However, here it indicates that under the highest daily traffic volume counted in 2002 occurred on certain roadways. Then, under the proposed General Plan Update, traffic on these roadways would increase in excess of 10,000 vehicles per day.

————The roads mentioned where this would occur are Campus Drive, Irvine Avenue, Coast Highway, Jamboree Road, MacArthur Boulevard, Newport Boulevard, and Newport Coast Drive. The DEIR further indicates that "this proposed General Plan Update itself would generate approximately 44 percent of the total increase in traffic ...."

While some additional information in the final EIR might make the analysis even more cumbersome than this DEIR, it does seem that the decision-makers might want available to them, in a format that they can easily utilize, a very clear statement of the name of a roadway, the segment of that roadway involved, and the actual traffic as it exists today in that segment, the estimated traffic for that segment that would be generated without any change in the current General Plan, and the anticipated amount of traffic on that segment of the road if this proposed General Plan Update is approved.

It would seem that with this relatively simple to prepare document, the decision-makers would have clear examples in front of them of the current traffic and increased traffic that might result from changes currently in effect or changes that might go into effect with the proposed General Plan Update. That information may be of assistance to them in making decisions on whether the proposed General Plan Update or even the current General Plan should or might be modified. (Page 4.13-25)

Pages 4.13-25 and 28 list certain roadway segments that are currently operating at volume/capacity ("V/C") ratios greater than 0.90. It is unclear whether this list was prepared from actual traffic counts or based on calculations using a traffic model. This should be clarified in the final EIR.

Throughout the segment of this chapter dealing with daily traffic, the issue of traffic generated within the City that obviously utilizes City streets and discussions of traffic that commences outside of the City and then comes into the City and utilizes City roads are is discussed in great detail. It would be beneficial to provide the information in the final EIR on the sources for that information as it is utilized in this DEIR.

The DEIR states "the proposed General Plan Update, without growth in the region, would increase traffic volume 13 percent over 2002 traffic counts, and would increase the number of roadway segments exceeding a V/C ratio of 0.90 from 17 to 30." The DEIR goes on to state that "because intersection operations are considered to be the most meaningful measure of the performance of the roadway system, this impact related to the proposed General Plan Update would be less than significant."

It is unclear whether these statements contrast with the statement earlier in this Section wherein the DEIR indicated "the proposed General Plan Update itself would generate approximately 44 percent of the total increase in traffic." This inconsistency should be corrected in the final EIR: how an increase in traffic volume of 13 percent from the proposed General Plan Update contrasts with the statement that the "General Plan Update itself would generate approximately 44 percent of the total increase in traffic." (Page 4.13-32)

~~Impact 4.13-3 it indicates "(i)mplementation of the proposed General Plan Update could result in exceeding, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways." The DEIR then goes on to state that the proposed General Plan Update would result in acceptable LOS E or better for arterials in the City, which include the entire segment of Coast Highway through the City, MacArthur Boulevard from Coast Highway to Jamboree, Newport Boulevard from north of the city limit to Coast Highway and Jamboree from northern city boundary to MacArthur Boulevard.~~

~~—————This contradicts the earlier statement in the DEIR that the acceptable level of service for the City of Newport Beach was LOS D or better. This inconsistency should be fully explained in the final EIR. (Page 4.13-42)~~

The DEIR asks the threshold question: "Would the proposed project (General Plan Update) result in inadequate emergency access?" The finding stated is that any potential impacts would be "less than significant." The final EIR should include a much more detailed analysis of emergency evacuation from the area. It appears that if you have a number of roadways, the main thoroughfares in the City, operating at LOS E during periods of time of heavy traffic, and it is anticipated that there would be very heavy traffic in any attempt to evacuate the area in the event of an emergency, that the statement that approval of this proposed General Plan Update would result in "a less than significant" impact on emergency evacuation may be an unfair statement or an inaccurate statement for the decision-makers to rely upon in reviewing this proposed General Plan Update. (Page 4.13-44)

The DEIR also asks the following threshold question: "Would the proposed project (the General Plan Update) result in inadequate parking capacity?" The finding is that the impact on parking by the proposed General Plan Update would be "less than significant," which was based on parking surveys/studies and recommendations. Relying on "recommendations" which have not been implemented and upon surveys/studies in an analysis, and then making the statement that there is no parking problem or that it is "less than significant" is not an appropriate conclusion based upon the information provided.

The final EIR should include a much more detailed analysis of the parking issue with proposals that shall be implemented and with studies indicating that those requirements are practical and cost effective and can be implemented by the City. This analysis must be completed before a finding of "less than significant" can be made. (Page 4.13-45)

In the Cumulative Impacts discussion, the DEIR indicates that traffic volumes anticipated by the proposed General Plan Update would increase 30.9 percent over 2002 counts and 23.9 percent over 2005 levels. The DEIR then goes on to indicate that with proposed improvements, the number of intersections operating at LOS E or worse would decrease. Again, the City's existing General Plan circulation element, and other documents in the City state that LOS D is the "threshold" on which the City of Newport Beach acts.

The DEIR then concludes that the traffic volumes in the proposed General Plan Update would be "less than significant." The DEIR goes on to state that the proposed Project's contribution to this impact would be cumulatively considerable and "significant and unavoidable." The final EIR should clearly state why ~~they have~~ the DEIR has discussed throughout the traffic analysis a seeming approval of LOS E when the City's existing General Plan circulation element, and other documents in the City, identify LOS D or better as being acceptable. The General Plan circulation element specifically indicates that LOS E is considered unacceptable. (Page 4.13-46)

In several locations in the Transportation/Traffic Section, the DEIR places an emphasis on completing the improvements set forth in Table 4.13-10 in order to achieve or continue to allow a reasonable level of traffic movement. After placing significant emphasis on these modifications, the DEIR then indicates on page 4.13-46 that "these are conceptual improvements, and alternative improvements that would achieve acceptable operations could be substituted."

~~While it is not desirable to have the decision-makers "hands tied" to some unproven plans to improve circulation, it would appear that considering the emphasis in this chapter placed upon these intersection improvements that to now indicate in this chapter that these are only "conceptual" improvements or "conceptual intersection improvements proposed" certainly lessens the argument for their implementation in keeping appropriate levels of traffic moving on the roadways if this proposed General Plan Update is adopted.~~

The section entitled Roadway System indicates at Policy CE 2.1.2 of the Traffic Phasing Ordinance "update the Traffic Phasing Ordinance to maintain consistency with the General Plan Circulation Element level of service standards." Obviously, there is some plan to update the TPO, but there is no suggestion as to how it should be updated or the language that should be utilized. Considering the significance of the TPO and its effect upon the City of Newport Beach, it seems reasonable that the final EIR should point out the changes necessary in the TPO so that the people reviewing the final EIR and the decision-makers are aware of the modifications or changes that are necessary in this very important ordinance to ensure its compliance with this new General Plan Circulation Element. (Page 4.13-49)

Under Policy CE 2.1.5 (Roadway Improvements), the DEIR states:— that "(Pp)ursuant to construction of intersection improvements shown in fFigure CE 3 are alternate improvements that achieve an acceptable level of service." Throughout the proposed General Plan Update and this DEIR, it is stated that the current City's circulation element requires LOS "D" or better. The language in Policy CE 2.1.1 agrees with this with six exceptions. Policy CE 2.1.5 should also make it clear that the "acceptable level of service" is LOS "D" so there is no confusion between the different policies set forth on these two pages. (Page 4.13-50)

Policy CE 2.2.2 ("Up-to-Date Standards"—) states that "(Pp)eriodically review and update street standards to current capacity and safety practices." While "standards" are important, considering the fact that this document outlines a number of "street standards" and indicates in many circumstances the "current capacity" is arguably lower than what the "street standards" should be. It is suggested that an example be set forth under this policy as to what this particular policy means as a practical matter by giving a practical example that would meet this particular policy so that the decision-makers would know on voting on this particular policy what they were voting for. (Page 4.13-50)

Policy CE 7.1.5 (Avon Street Municipal Parking Lot relocation) —states "C  
"Consider relocation of the Avon Street Municipal Lot to better serve commercial uses in Marina's Mariner's Mile." The final EIR should include a discussion of some practical

suggestions for where this municipal lot might be relocated. Also, the number of parking spaces currently available in that lot and how that might be replaced with a lot or lots of equal size should be detailed in the final EIR. (Page 4.13-56)

Policy CE 7.1.9 (–Parking Requirements for Pedestrian - Oriented and Local-Serving Uses) states– "Consider revising parking requirements for small scale neighborhood serving commercial uses in areas that derive most of their trade from walk-in business, especially where on-street or other public parking is available." The final EIR should include a discussion of the specific areas that are under consideration when this policy was developed, as well as the proposed "revised parking requirements" for these specific areas. (Page 4.13-57)

Policy CE 7.1.10 (–Parking for Marine Recreational Users)– states"Provide adequate parking as necessary in the vicinity of visitors serving marine uses, including marinas, water transportation terminals, boat ramps, as well as parking suitable for service vehicles in commercial marinas and berthing areas." The final EIR should indicate the names and descriptions of these areas and proposals for how to provide this "adequate parking." (Page 4.13-57)

Policy CE 7.1.13 (–Up-to-Date Parking Requirements)– states"Periodically review and update off-street parking requirements to insure that new development provides off-street parking sufficient to serve approved uses." If this is merely a recommendation to review the requirements but not to impose them on existing businesses, then this would seem to be appropriate. However, if any review and update, under this policy, would be read by anyone as imposing upon existing buildings or developments "updated off-street parking requirements" then this should be made very clear in the final EIR so that it could be commented upon by the business community. (Page 4.13-57)

Policy CE 7.2.3 (–Shared Valet Service) states– "Explore the feasibility of shared valet parking programs in areas with high parking demand and less conveniently located parking facilities, such as Mariner's Mile and McFadden Square." The final EIR should indicate where these shared parking facilities would be located. (Page 4.13-57)

Policy LU 3.2 (Growth and Change-) This particular policy indicatesstates that there is a necessity to "accommodate Newport Beach's share of projected regional population growth."–."–It is not clear that the DEIR indicates what the number of people concerned is or the number of families or the number of units that would be the "share" of Newport Beach. The final EIR should indicate the number of this "share" based on some recognized standard or requirement. (Page 4.13-60)

Policy LU 6.15.20 (Connected Streets): The policy proposes to connect new and existing streets across MacArthur Boulevard, along with crosswalks, and pedestrian refuges in the median. The final EIR should indicate where these connections across MacArthur Boulevard are intended or contemplated to occur. The reason that this is significant is because of the V/C figures for MacArthur Boulevard discussed in this transportation/traffic

element. It would appear that additional street crossings or signals might create additional delays on the roadway that might affect even more than currently the V/C ratio. (Page 4.13-61)

#### **XIV. Utilities and Service Systems**

##### **(a) Water System**

The DEIR states that the City currently supplies water to 75,600 people and various land uses. The sources are water that is imported from The City imports water from the Municipal Water District of Orange County ("MWDOC"); groundwater that is pumped from the Orange County Groundwater Basin and reclaimed water. Also, there are areas of the City that get water from Irvine Ranch Water District ("IRWD") and Mesa Consolidated Water District ("MCWD").

The DEIR states that MWDOC can meet 100 percent of the City's imported water needs until the year 2030. The DEIR further states that the implication of the proposed General Plan Update could require or result in the construction of new/and or expanded water treatment plants or water conveyance systems in the Planning Area. This impact would be less than significant since the City LU2.8 directs the City to accommodate any infrastructure or conveyance necessary to meet the water needs.

The DEIR states that currently the City only receives 25 percent of its water from MWDOC and 75 percent from Orange County Groundwater Basin. However the Notice of Preparation ("NOP") for the proposed Project, Volume II, page 44, states that the City currently receives 64 percent from the Basin and 36 percent from MWDOC. The DEIR gives no information or indication as to how often the percentages change and why and what the current numbers are. The DEIR neglects to give any information regarding what other cities get their water from the Groundwater Basin, how much, and how the cumulative growth of all the cities will affect the availability of water from the Groundwater Basin up and until the year 2030.

The DEIR neglects to give any numbers as to how MWDOC and the Orange County Groundwater Basin would be affected by dry years and out and out drought. The final EIR should provide this analysis and recommend any necessary mitigation.

The DEIR informs the reader with Table 4.14-2 of the Water Supply Reliability, which shows drought and dry years. It goes on to say that during short-term periods (of drought and /or dry conditions) the City would implement its **water shortage contingency plan**. The final EIR should provide a full discussion of the City of Newport Beach water shortage contingency plan.

The DEIR states that "(a)ccording to the City of Newport Beach's 2005 Urban Water Management Plan, water supplies can continue to meet the City's imported water

needs until the year 2030.” The final EIR should inform the reader what happens after the year 2030, particularly with 31,000 additional residents at the proposed General Plan buildout.

The DEIR continues and states “(t)he Groundwater Replenishment System (“GRS”), a joint venture by OCWD and the Orange County Sanitation District (“OCSD”), will help to reduce Orange County and Newport Beach’s reliance on imported *surface water* by taking treated wastewater and injecting it into the groundwater basin. GRS will be online by 2007, and will produce approximately 70,000 acre-feet of water per year.” The final EIR should inform the reader what percentage of the blended water will be wastewater and what percentage will be basin water, and whether or not there will be a time when it will be 100 percent treated wastewater.

The DEIR informs the reader with Table 4.14-2 of the Water Supply Reliability, which shows drought and dry years. It goes on to say that during short-term periods (of drought and /or dry conditions) the City would implement its ***water shortage contingency plan***. The final EIR should provide a full discussion of the City of Newport Beach water shortage contingency plan.

(b) — Sewer System

~~Again, due to Regulations and Policies there would be no significant impact of the Sewer Systems. If and when new facilities were to be needed, the DEIR states on page 4.14 33 that “further environmental review would be required when specific details are known regarding the infrastructure. This ensures the associated environmental effects would be determined prior to implementation and therefore less than significant.”~~

(eb) Solid Waste

Solid Waste Haulers footnote <sup>125</sup> denotes that no trash is taken out of the County; however, some is going to the Burner/Incinerator in Long Beach, which is- an alternative that may need to be added to the list of sites for trash since this is a 20 year plan

The Refuse division of the City of Newport ~~Coast-Beach~~ picks up residential trash from single family homes with the exception of Newport Coast. Bonita Canyon and Santa Ana Heights need to be added to make the statement factual.

The DEIR neglects to mention and inform the reader that like the landfills, the California Integrated Waste Management Board (“CIWMB”), Title 14, and LEA regulate and permit Transfer Stations and the tonnages that each Transfer Station is allowed. The DEIR neglects to mention what the current tonnages are, what cities use them, the total daily tonnage available, and what tonnage might be necessary to meet future waste tonnages. The final EIR should provide this information, analyze any potential impacts and recommend any necessary mitigation.

The DEIR also neglects to inform the reader as to whether or not the Transfer Station owned and operated by the City of Newport Beach would need to have its tonnage increased and by how much. The final EIR should state whether the City of Newport Beach needs a new permit to meet the increasing tonnages of more growth.

The final EIR should inform the reader whether these facilities also have to be licensed and permitted, and whether or not they have limits as to how much material they can take.

The final EIR should identify the impacts of the surrounding cities on the few ~~Landfills~~ landfills and ~~Transfer~~ transfer stations that are available. Tonnages for places like Rancho Mission Viejo, Rancho Santa Margarita and IBC in Irvine, among others, should be included in the final EIR so the reader could have a thorough understanding of total County ~~Tonnage~~ tonnages.